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22 UNITED STATES DISTRICT COURT
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24 NORTHERN DISTRICT OF CALIFORNIA

25 TERRELL JONES, a California resident;
26 MICHAEL JOHNSON, a Florida resident;
27 DERRICK PAIGE, a Texas resident;
28 WILFREDO BETANCOURT, a Nevada
resident; YOLANDA McBRYER, a former
Colorado resident; and MICHAEL PIERSON,
a North Carolina resident, individually, and on
behalf of all others similarly situated,

Plaintiffs,

v.

AGILYSYS, INC. an Ohio corporation;
AGILYSYS NV, LLC, a Delaware limited
liability company; and DOES 1 through 100,
inclusive,

Defendants.

Case No. CV 12 3516 SBA

**JOINT STIPULATION AND MOTION
TO EXTEND TIME TO FILE A
RESPONSE TO PLAINTIFFS' FIRST
AMENDED COMPLAINT AND TO
CONTINUE THE INITIAL CASE
MANAGEMENT CONFERENCE;
DECLARATION OF FRANCIS J.
ORTMAN III; ORDER**

[L.R. 6-1(b), 6-2]

Date Action Filed: July 6, 2012

WHEREAS, on July 6, 2012, plaintiffs Terrell Jones, Michael Johnson, Derrick Paige, Wilfredo Betancourt, Yolanda McBrayer, and Michael Pierson (collectively, "Plaintiffs") filed a

1 Collective and Class Action Complaint for Damages and Injunctive Relief in the United States
2 District Court for the Northern District of California. (ECF No. 1.)

3 WHEREAS, on July 25, 2012, the Parties jointly stipulated to extend Agilysys' deadline
4 to file a response to the Complaint from July 27, 2012, to August 26, 2012. (ECF No. 5.)

5 WHEREAS, on July 27, 2012, the case was reassigned to Judge Hon. Saundra Brown
6 Armstrong. (ECF No. 7.) On July 30, 2012, the Court issued a Case Management Scheduling
7 Order setting an Initial Case Management Conference for October 10, 2012, at 3:00 p.m. (ECF
8 No. 8.)

9 WHEREAS, on August 9, 2012, Plaintiffs filed a First Amended Collective and Class
10 Action Complaint for Damages and Injunctive Relief ("FAC"). (ECF No. 9.)

11 WHEREAS, on or about August 22, 2012, the Parties met and conferred about the scope
12 and substance of the allegations in the FAC. Agilysys informed Plaintiffs that it was
13 contemplating filing a motion to dismiss and/or strike portions of the FAC. To avoid unnecessary
14 motion practice, the Parties agreed to informally exchange information and further discuss the
15 scope and substances of the allegations in the FAC.

16 WHEREAS, on August 23, 2012, the Parties filed a Joint Stipulation and Motion to
17 Extend Time to File A Responsive Pleading to the First Amended Complaint, in which they
18 requested that the Court extend Agilysys' deadline to file a response to the First Amended
19 Complaint from August 25, 2012, to September 26, 2012. (ECF No. 10.)

20 WHEREAS, on September 5, 2012, the Court granted the Parties' Joint Stipulation and
21 Motion to Extend Time to File a Responsive Pleading to the First Amended Complaint, extending
22 Agilysys' response deadline to September 26, 2012. (ECF No. 11.)

23 WHEREAS, despite their diligent efforts to meet and confer about the scope and
24 substance of the allegations in the FAC, the Parties need more time to exchange information and
25 discuss these matters in an effort to avoid unnecessary motion practice. The Parties further
26 believe that an exchange of information and further discussion about the scope and substance of
27 the FAC may enable the Parties to discuss ways to resolve this litigation.

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1 WHEREAS, on September 18 and 19, 2012, the Parties met and conferred and agreed to
2 jointly request that the Court continue the deadline for Agilysys to respond to the FAC from
3 September 26, 2012, to October 26, 2012.

4 WHEREAS, the Parties are currently required by Fed. R. Civ. P. 26(f) to file a Joint Case
5 Management Statement by September 30, 2012, which is 10 days prior to the Initial Case
6 Management Conference currently scheduled for October 10, 2012. (*See* ECF No. 8.)

7 WHEREAS, on September 18 and 19, 2012, the Parties met and conferred and further
8 agreed to jointly request that the Court continue the Initial Case Management Conference to
9 November 14, 2012, or as soon thereafter as would be convenient for the Court, along with all
10 associated Rule 26 deadlines. The Parties believe that it would better serve judicial efficiency to
11 conduct the Case Management Conference after Agilysys has filed a response to the Complaint.

12 THEREFORE, pursuant to Local Rules 6-1(b) and 6-2, the below mentioned Parties
13 STIPULATE and agree to:

14 (1) Continue the deadline for Agilysys to file a response to the FAC shall be continued
15 from September 26, 2012, to October 26, 2012; and,

16 (2) Continue the Initial Case Management Conference from October 10, 2012, to
17 November 14, 2012, or as soon thereafter as would be convenient for the Court. The Parties
18 further agree that all Rule 26 Meet and Confer deadlines should be continued and re-calendared
19 based on the date of the rescheduled Initial Case Management Conference.

20 The Parties respectfully request that the Court grant this Motion and enter an order
21 continuing the aforementioned deadlines.

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1 **IT IS SO STIPULATED.**

2 DATED: September 19, 2012

Respectfully submitted,

3 SEYFARTH SHAW LLP

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5 By: /s/ Francis J. Ortman III
Francis J. Ortman III

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7 Attorneys for Defendants
AGILYSYS, INC., and AGILYSYS NV., LLC

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9 DATED: September 19, 2012

Respectfully submitted,

10 COHELAN KHOURY & SINGER

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12 By: /s/ J. Jason Hill
J. Jason Hill

13 Attorneys for Plaintiffs/Class members

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ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES, and finding good cause
therein, IT IS HEREBY ORDERED that:

(1) Agilysys' deadline to file a response to Plaintiffs' First Amended Complaint shall be continued from September 26, 2012, to October 26, 2012; and,

(2) The Initial Case Management Conference originally scheduled for October 10, 2012, shall be continued to 12/6/12 @ 3:30 p.m.. All Rule 26 Meet and Confer deadlines are continued and re-calendared based on the date of the rescheduled Initial Case Management Conference.

Plaintiffs' counsel is to set up the conference call with all the parties on the line and call chambers at (510) 637-3550. (No party shall contact chambers directly without prior authorization of the Court.)

Plaintiffs are directed to serve a copy of this Order at once on all parties to this action in accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure not enrolled in the e-filing program. Following service, the party causing the service shall file a certificate of service with the Clerk of Court.

IT IS SO ORDERED.

DATED: 9/21/12

HON. SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT COURT JUDGE